

RECEIVED

2008 FEB 12 A 10:24

**FORM FOR USE IN APPLICATIONS  
FOR HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241**

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

UNITED STATES DISTRICT COURT FOR THE

CASE NO. 3:08 cv 102 - MHT (to be supplied by the Clerk of Court)

Johnny Hughley, PETITIONER  
(Full name -- include name under which you were convicted)

v.  
W.R. Collins-Warden, RESPONDENT  
(Name of Warden, Superintendent, Jailor, or authorized person having custody of petitioner)

Johnny Hughley #9843  
NAME AND PRISON NUMBER

Montgomery City Jail  
PLACE OF CONFINEMENT

(If the petitioner wishes to attack a federal judgment under which a sentence was imposed he/she should file a motion under 28 U.S.C. Section 2255, in the federal court which entered the judgment).

**PETITION FOR WRIT OF HABEAS CORPUS UNDER SECTION 2241  
BY A PERSON IN FEDERAL CUSTODY**

**INSTRUCTIONS--READ CAREFULLY**

1. This petition must be legibly handwritten or typewritten, signed by the petitioner and subscribed to under penalty of perjury as being true and correct. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form. Where more room is needed to answer any question type or use lined paper.
2. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order.

4. If you do not have the necessary filing fee, you may submit an application to proceed in forma pauperis, in which event you must execute the affidavit on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefor. You must also have an authorized official at the correctional facility complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$150.00, you must pay the filing fee as required by the rule of the district court.

5. Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or different states, you must file separate petitions as to each court.

6. Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.

7. When the petition is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court whose address is: 100 South Clinton Street, Syracuse, New York 13261. ONE Church Street, P.O. Box 711  
MONTGOMERY, AL 36101

8. Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

### PETITION

1. Name and location of court which entered the judgment of conviction under which you are presently confined:

LEE COUNTY CIRCUIT COURT, Opelika, ALABAMA

2. Date of judgment of conviction:

MARCH 27, 1990

3. Length of sentence:

20-YEARS

Sentencing Judge:

ROBERT M. HARPER

4. Nature of offense or offenses for which you were convicted:

CONSTRUCTIVE POSSESSION OF A CONTROL  
SUBSTANCE

5. Were you sentenced on one or more than one count of an indictment, or on more than one indictment, in the same court and at the same time? YES ( ) NO (X).

6. Do you have any further sentence to serve after you complete the sentence imposed by the judgment under attack? YES ( ) NO (X).

(a) If so, give name and location of court which imposed sentence to be served in the future:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) And give date and length of sentence to be served in the future:

\_\_\_\_\_

(c) Have you filed, or do you contemplate filing, a petition attacking the judgment which imposed the sentence to be served in the future? YES ( ) NO ( ).

7. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground:

(a) Ground one:

The movant is being held in custody in violation  
of the fifth and fourteenth amendments to the U.S.  
Constitution.

Supporting **FACTS** (Tell your story briefly without citing cases or law):

At trial, the state introduced a  
statement movant made during uncounseled  
interrogation.  
The movant argues that the decision of  
the state courts is contrary to clearly  
established federal law as determined by  
the supreme court because the trial judge  
failed to determine whether his Miranda  
wavier was voluntary, knowing, and intelligent  
under the totality of the circumstances.  
See: Hart v. Attorney General of State of Florida,  
323 F.3d 884 (11th Cir 2003).

(b) Ground two:

Supporting **FACTS** (Tell your story briefly without citing cases or law):

(b) Ground three:

Supporting **FACTS** (Tell your story briefly without citing cases or law):

---

---

---

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or legal pad style.

I declare under penalty of perjury that the foregoing is true and correct.

(Date)

(Signature)

W:\2241.WPD

Johnny Hughes  
Montgomery City Jail  
P.O. Drawer 159  
Montgomery, AL 36101

Clerk of the  
U.S. District Court  
P.O. Box 711  
Montgomery, AL 36101



0000



36101

U.S. POST  
PAID  
AUBURN, AL  
36830  
FEB 11  
PMOUNT  
\$1.00  
00052

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602003861  
Cashier ID: khaynes  
Transaction Date: 02/12/2008  
Payer Name: JOHNNY HUGHLEY

---

WRIT OF HABEAS CORPUS  
For: JOHNNY HUGHLEY  
Case/Party: D-ALM-3-08-CV-000102-001  
Amount: \$5.00

---

MONEY ORDER  
Check/Money Order Num: 07935540851  
Amt Tendered: \$5.00

---

Total Due: \$5.00  
Total Tendered: \$5.00  
Change Amt: \$0.00